

REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

The examiner objected to the abstract for not being on a separate page. The abstract is included on a separate page attached to this amendment.

The examiner objected to claims 4, 6, and 7 because the "inputs" were referenced with an "I" whereas such inputs are shown in FIG. 3 with an "E". The claims have been amended to be consistent with FIG. 3.

Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection. The claim has been amended to clarify that it is the "electrical potential" of the shielding case that is being referred to. The "electrical potential" of a circuit, element, or component is, at any given moment, an inherent electrical characteristic or property of that circuit, element, or component. Thus, it is proper to use the definite article "the" when first referring to the electrical potential of an item or object. See MPEP §2173.05(e) ("Inherent components of elements recited have antecedent basis in the recitation of the components themselves"). Accordingly, the rejection is improper.

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Killion *et al.* (U.S. 6,075,869) in view of Brennan *et al.* (U.S. 6,236,731). For the following reasons, the rejection is respectfully traversed.

As amended, claim 1 recites a microphone encapsulated in an "electromagnetic shielding case (3)" (lines 2-3). None of the cited references suggest a microphone encapsulated in an electromagnetic shielding case. Claim 1 further recites that an "analog/digital converter (5) is mounted on the electromagnetic shielding case (3)" (lines 3-4). Brennan is silent as to where its analog-to-digital converter is mounted.

To support a *prima facie* case of obviousness, the prior art references must

teach or suggest all of the claim limitations (MPEP §2142). Because the references, even if combined, do not teach a microphone encapsulated in an electromagnetic shielding case, nor an analog-to-digital converter mounted on the electromagnetic shielding case, the rejection under 35 U.S.C. §103(a) cannot stand. Accordingly, claim 1, as amended, is patentable over the references. Claims 2-7, being dependent on claim 1, are thus patentable over the references for the same reasons.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32396.

Respectfully submitted,

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Amendments with Editing Marks

1. (twice amended) A hearing aid with a microphone system (1) and a subsequent analog/digital converter (5), wherein the microphone system (1) is encapsulated in an electromagnetic shielding case (3) and the analog/digital converter (5) is mounted on the electromagnetic shielding case (3).

2. (twice amended) The hearing aid as claimed in claim 1, wherein the analog/digital converter (5) is encapsulated in a converter shielding case (7a, 7b) which is set to the electrical potential of the electromagnetic shielding case (3) of the microphone system.

4. (twice amended) The hearing aid as claimed in claim 1, wherein said analog/digital converter comprises first and second analog inputs (I_1, I_2) (E_1, E_2), said first analog input (I_1) (E_1) having a first input impedance (Z_1) and a first input gain (G_1), said second analog input (I_2) (E_2) having a second input impedance (Z_2) and a second input gain (G_2), and wherein either said first and second input impedances (Z_1, Z_2) are different from one another or said first and second input gains (G_1, G_2) are different from one another.

6. (amended) The hearing aid as claimed in claim 2, wherein said analog/digital converter comprises first and second analog inputs (I_1, I_2) (E_1, E_2), said first analog input (I_1) (E_1) having a first input impedance (Z_1) and a first input gain (G_1), said second analog input (I_2) (E_2) having a second input impedance (Z_2) and a second input gain (G_2), and wherein either said first and second input impedances (Z_1, Z_2) are different from one another or said first and second input gains (G_1, G_2) are different from one another.

7. (amended) The hearing aid as claimed in claim 3, wherein said analog/digital converter comprises first and second analog inputs (I_1, I_2) (E_1, E_2), said first analog input (I_1) (E_1) having a first input impedance (Z_1) and a first input gain (G_1), said second analog input (I_2) (E_2) having a second input impedance (Z_2)

and a second input gain (G_2), and wherein either said first and second input impedances (Z_1, Z_2) are different from one another or said first and second input gains (G_1, G_2) are different from one another.